

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION**

Mark Lott,

Plaintiff,

v.

Ron Lawrenz, Jill Calderon, Lisa Young,  
Leonka Garvin,

Defendant.

Case No. 6:24-cv-06044-RMG

**ORDER**

Before the Court is the Report and Recommendation (“R&R”) of the Magistrate Judge recommending that Plaintiff’s claims be dismissed. (Dkt. No. 9). Plaintiff objected. (Dkt. No. 11). For the reasons set forth below, the Court adopts the R&R as the Order of the Court, dismissing Plaintiff’s complaint. (Dkt. No. 1).

**I. Background**

Plaintiff Mark Lott, a civilly committed individual in the Sexually Violent Predator Treatment Program, proceeding *pro se* and *in forma pauperis*, brings this § 1983 action alleging that Defendants violated his constitutional rights. (Dkt. No. 1). Specifically, Plaintiff claims that he was placed into lockup for sexual contact with another resident in violation of his due process rights. (*Id.* at 5). Plaintiff claims that Defendants were part of the Behavior Management Board that improperly found him guilty, and that Defendant Lawrenz improperly confirmed the disciplinary charge. (*Id.* at 4-7). The Behavior Management Board found Plaintiff guilty of sexual contact for his conduct on June 15, 2024. (*Id.* at 5). Plaintiff argues that because the incident actually occurred on June 14, 2024, his constitutional rights were violated when he was found guilty. (*Id.* at 5). Plaintiff also argues that Maj. Young made the hearing unfair, and that Plaintiff

was wrongfully charged with a sexual contact disciplinary charge in August 2022, where a similar thing happened. (*Id.* at 4-7).

Plaintiff's alleged injuries include being placed in lock-up, losing levels, and having his rights violated. (*Id.* at 7). For relief, Plaintiff seeks to have certain disciplinary charges overturned and money damages. (*Id.*).

## **II. Legal Standard**

The Magistrate Judge makes only a recommendation to this Court that has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Where the plaintiff objects to the R&R, the Court “makes a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* Where the plaintiff has not objected to the R&R, the Court reviews the R&R only to “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72 advisory committee's note; *see also Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (“In the absence of objection ... we do not believe that it requires any explanation.”).

## **III. Discussion**

The Court has reviewed the R&R, applicable caselaw, and the record evidence in this matter. The Court finds that the Magistrate Judge ably addressed the factual and legal issues in this matter and correctly concluded that the Plaintiff's action be dismissed. (Dkt. No. 9).

Plaintiff alleges that the Behavior Management Board found him guilty of two separate disciplinary charges in violation of his due process rights. (Dkt. No. 1 at 4-6). The record shows

that Plaintiff was provided notice of the charges and given an opportunity to be heard regarding the allegations of misconduct. The Court agrees with the Magistrate Judge that Plaintiff has not shown that the professional decisions of Defendant departed from accepted professional judgment. After balancing Plaintiff's liberty interests against the relevant state interests and giving deference to the professional decisions of Defendants, the Court agrees with the Magistrate Judge that Plaintiff's rights have not been violated.

#### **IV. Conclusion**

In light of the foregoing, the Court **ADOPTS** the R&R (Dkt. No. 9) as the Order of the Court and **DISMISSES** Plaintiff's complaint with prejudice, without leave to amend, and without issuance and service of process. (Dkt. No. 1).

**AND IT IS SO ORDERED.**

s/ Richard M. Gergel  
Richard Mark Gergel  
United States District Judge

December 19, 2024  
Charleston, South Carolina